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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,994	02/14/2001	Tatsuru Kuwabara	12894/003001/55713-US-TO/	4046

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EXAMINER

GOLD, AVI M

ART UNIT PAPER NUMBER

2157

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/784,994

Applicant(s)

KUWABARA, TATSURU

Examiner

Avi Gold

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This action is responsive to the amendment filed on June 20, 2005. Claims 1 and 17 were amended. Claims 6-16 were cancelled. Claims 1-5 and 17 are pending.

Response to Amendment

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 8-10, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over An et al., U.S. Patent No. 6,031,904 further in view of Kimlinger et al., U.S. Patent No. 6,360,952

An teaches the invention substantially as claimed including a system which permits a subscriber to add/change or delete features with respect to his/her particular telephone feature profile (see abstract).

As to claim 1, An teaches a client server system for supplying information to client terminals, the client server system comprising:

an exclusive server storing information therein (col. 1, lines 31-40; An discloses a telephone service providers server);

means for specifying the client terminal by a code identifying a maker of the client terminal, the code being sent from the client terminal to the exclusive server (col. 1, lines 31-40; An discloses a "telephone feature profile" accessed by a personal identification number); and

means for supplying information stored in the exclusive server only to the specified client terminal (col. 1, lines 54-67; col. 2, lines 1-11; An discloses a server connected to an information communications network).

An fails to teach the limitation further including a code identifying a maker of the client terminal and that code being pre-installed in the client terminal by the maker of the client terminal.

However, Kimlinger teaches an integrated circuit or "smart" card access system for supporting multiple models and makes of integrated circuit or "smart" cards and readers (see abstract). Kimlinger teaches the use of a smart card with a code which identifies the brand and model of the smart card, allowing it to access a specific driver (col. 17, lines 15-30).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify An in view of Kimlinger to use a code identifying a maker of the client terminal to access information from an exclusive server and that code being pre-installed in the client terminal by the maker of the client terminal. One would be motivated to do so because it allows for exclusive information to be sent to a user.

Regarding claim 2, An and Kimlinger teach the client server system as in claim 1, wherein:

the supplying means rejects access to the exclusive server against an unspecified client terminal (col. 1, lines 54-67; col. 2, lines 1-11; An discloses subscribers receiving access to the server).

Regarding claim 3, An and Kimlinger teach the client server system as in claim 1, wherein:

the exclusive server stores information exclusive to the specified client terminals and public information (col. 1, lines 31-40, lines 54-67; col. 2, lines 1-11; An discloses a personal telephone feature profile and general information such as monthly costs); and

the supplying means supplies the exclusive information only to the specified client terminals, while supplying the public information to any client terminals (col. 1, lines 31-40, lines 54-67; col. 2, lines 1-11; An discloses a personal profile only available by a personal identification number and general information available over the Internet for the public).

Regarding claim 17, An teaches a client terminal in a client server system, the client terminal being adapted to have access to a specified server to download specified contents stored in the specified server, the client terminal comprising:

a memory storing a code identifying a maker of the client terminal (col. 1, lines 31-40); and

means for transmitting the code to the specified server that permits downloading the specified contents to the client terminal only when the code coincides with a predetermined code (col. 1, lines 31-40).

An fails to teach the limitation further including that code being pre-installed in the client terminal by the maker of the client terminal.

However, Kimlinger teaches the use of a smart card with a code which identifies the brand and model of the smart card, allowing it to access a specific driver (col. 17, lines 15-30).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify An in view of Kimlinger to have that code pre-installed in the client terminal by the maker of the client terminal. One would be motivated to do so because it allows for exclusive information to be sent to a user.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over An and Kimlinger further in view of Fujiwara et al., U.S. Patent No. 6,064,879.

An teaches the invention substantially as claimed including a system which permits a subscriber to add/change or delete features with respect to his/her particular telephone feature profile (see abstract). Kimlinger teaches the invention substantially as claimed including an integrated circuit or "smart" card access system for supporting multiple models and makes of integrated circuit or "smart" cards and readers (see abstract).

As to claim 4, An and Kimlinger teach the method of claim 1.

An and Kimlinger teaches the phone sending the maker-identifying code and another code identifying the provider to the provider's server (col. 1, lines 54-67; col. 2, lines 1-11; An discloses a profile stored for a specific DN (directory number) and the use of a personal identification number);

a data format including both identifying codes is sent from the provider's server to the exclusive server (col. 1, lines 54-67; col. 2, lines 1-11); and

the exclusive server supplies the information stored therein to the mobile phone only when both codes are justified as codes correctly identifying the maker and the provider (col. 1, lines 54-67; col. 2, lines 1-11; An discloses the features being accessed only with the use of a DN and PIN).

An and Kimlinger fail to teach the limitation further including the client terminals are mobile telephones.

However, Fujiwara teaches a mobile communication method suitable for a purchased mobile unit system (see abstract). Fujiwara shows evidence of the use of mobile phones receiving exclusive information.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify An and Kimlinger in view of Fujiwara to use a mobile phone as a client terminal. One would be motivated to do so because it would allow exclusive information on a portable device.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over An, Kimlinger, and Fujiwara further in view of Lawande et al., U.S. Patent No. 6,219,697.

An teaches the invention as claimed including a system which permits a subscriber to add/change or delete features with respect to his/her particular telephone feature profile (see abstract). Kimlinger teaches the invention substantially as claimed including an integrated circuit or "smart" card access system for supporting multiple models and makes of integrated circuit or "smart" cards and readers (see abstract). Fujiwara teaches the invention substantially as claimed including a mobile communication method suitable for a purchased mobile unit system (see abstract).

As to claim 5, An, Kimlinger, and Fujiwara teach the method of claim 4.

An, Kimlinger, and Fujiwara fail to teach the limitation further including the use of a header field and a data field which includes the maker-identifying code.

However, Lawande teaches a method and apparatus for operating IP protocol over a high-speed bus such as an IEEE 1394 high-speed bus (see abstract). Lawande teaches the use of header field, data field, and a company ID in a field (col. 17, lines 14-44; col. 18, lines 41-62).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify An, Kimlinger, and Fujiwara in view of Lawande to use a header field and a data field which includes the maker-identifying code. One would be motivated to do so because they would help prohibit unauthorized access to the exclusive server.

Response to Arguments

5. Applicant's arguments with respect to claims 1-5 and 17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,259,405 to Stewart et al.

U.S. Pat. No. 6,363,061 to Yuzawa.

U.S. Pat. No. 6,584,095 to Jacobi et al.

U.S. Pat. No. 6,480,833 to Tsutsumitake.

U.S. Pat. No. 6,138,044 to McGregor et al.

U.S. Pat. No. 5,974,311 to Lipsit.

U.S. Pat. No. 5,524,135 to Mizikovsky et al.

U.S. Pat. No. 5,948,066 to Whalen et al.

U.S. Pat. No. 6,223,291 to Puhl et al.

U.S. Pat. No. 6,115,471 to Oki et al.

U.S. Pat. No. 6,725,033 to Holmes.

U.S. Pat. No. 6,173,316 to De Boor et al.

U.S. Pat. No. 6,363,240 to Ito

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Avi Gold whose telephone number is 571-272-4002.

The examiner can normally be reached on M-F 8:00-5:30 (1st Friday Off).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Avi Gold

Patent Examiner

Art Unit 2157

AMG


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